

Notice of Allowability	Application No.	Applicant(s)	
	09/578,962	IWASAKI ET AL.	
	Examiner	Art Unit	
	Gordon J Stock	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 8/20/04 and 9/9/04.
2. ☒ The allowed claim(s) is/are 1,5,6,8-10,12,14,15,18,21,25 and 26.
3. ☒ The drawings filed on 22 April 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>PTOL-413B:20040831.</u> |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Gordon Coplein on September 20, 2004. Specifically, claims 9 and 10 were discussed to overcome any possible new matter issues. For claims 9 and 10 the preamble was decided to recite optical spectrum analyzer as recited in the disclosure and as for claim 10 the output plate limitation would be cancelled for the single slit monochromator embodiment does not comprise two output slits.

The amendment to the claims 9 and 10 follow:

9.(Currently amended) An optical spectrum analyzer comprising:

the [[A]] monochromator according to claim 1 and further comprising:

a photodetector to receive the light ray output of the optical ray output section; and
display means connected to the photodetector for displaying the light ray output detected
by the photodetector.

10.(Currently amended) An optical spectrum analyzer comprising:

the [[A]] monochromator according to claim 6 and further comprising:

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~~an output plate mounted on the substrate to receive diffracted rays from the concave mirror, and having a slit to limit the wavelength bandwidth of the optical rays received on the plate from the mirror;~~

a photodetector to receive [[the]] optical ray output from ~~passing through~~ the slit; and
means connected to the photodetector for displaying the optical ray output detected by the photodetector.

Allowable Subject Matter

2. **Claims 1, 5, 6, 8-10, 12, 14, 15, 18, 21, 25, and 26** are allowed.

3. The following is an examiner's statement of reasons for allowance:

As to **claim 1**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a monochromator wherein the coefficient of linear expansion of the first concave mirror, second concave mirror, and the substrate are approximately the same, in combination with the rest of the limitations of **claims 1, 5, 9, 12, 14, and 25**.

As to **claim 6**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a monochromator wherein the coefficient of linear expansion of the concave mirror and the substrate are approximately the same and the monochromator comprises a single slit, in combination with the rest of the limitations of **claims 6, 8, 10, 15, and 26**.

As to **claim 18**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a monochromator wherein the coefficient of linear expansion of the first concave mirror, second concave mirror, and the substrate are approximately the same, in combination with the rest of the limitations of **claim 18**.

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As to **claim 21**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a monochromator wherein the coefficient of linear expansion of the concave mirror and the substrate are approximately the same, in combination with the rest of the limitations of **claim 21**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments, see Remarks, filed August 20, 2004, with respect to the rejections to the claims under 35 U.S.C. 103(a) in the previous action have been fully considered and are persuasive. From the persuasiveness of the arguments and the amendment of the claims, the rejection of the claims under 35 U.S.C. 103(a) has been withdrawn.

Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

- 1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the fax cover sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The

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form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (703) 872-9306

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (571) 272-2431.

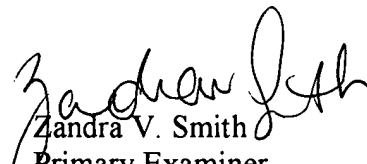
The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr., can be reached at 571-272-2800 ext 77.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gs

September 22, 2004


Zandra V. Smith
Primary Examiner
Art Unit 2877